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HOUSE BILL 561

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Gloria C. Vaughn

AN ACT

RELATING TO CRIMINAL LAW; INCREASING PENALTIES FOR CRIMES  
AGAINST HOUSEHOLD MEMBERS; REQUIRING PROFESSIONAL COUNSELING  
UPON CONVICTION FOR A CRIME AGAINST A HOUSEHOLD MEMBER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-3-12 NMSA 1978 (being Laws 1995,  
Chapter 221, Section 3) is amended to read:

"30-3-12. ASSAULT AGAINST A HOUSEHOLD MEMBER. --

A. Assault against a household member consists of:

(1) an attempt to commit a battery against a  
household member; or

(2) any unlawful act, threat or menacing  
conduct that causes a household member to reasonably believe  
that he is in danger of receiving an immediate battery.

B. Whoever commits assault against a household

underscored material = new  
[bracketed material] = delete

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1 member is guilty of a petty misdemeanor. Upon a second or  
2 subsequent conviction, the offender is guilty of a misdemeanor.

3 C. In addition to any punishment provided pursuant  
4 to the provisions of this section, the court shall order a  
5 person convicted of assault against a household member to  
6 participate in and complete a program of professional  
7 counseling at his own expense."

8 Section 2. Section 30-3-13 NMSA 1978 (being Laws 1995,  
9 Chapter 221, Section 4) is amended to read:

10 "30-3-13. AGGRAVATED ASSAULT AGAINST A HOUSEHOLD

11 MEMBER. --

12 A. Aggravated assault against a household member  
13 consists of:

14 (1) unlawfully assaulting or striking at a  
15 household member with a deadly weapon; or

16 (2) willfully and intentionally assaulting a  
17 household member with intent to commit any felony.

18 B. Whoever commits aggravated assault against a  
19 household member is guilty of a fourth degree felony. Upon a  
20 second or subsequent conviction, the offender is guilty of a  
21 third degree felony.

22 C. In addition to any punishment provided pursuant  
23 to the provisions of this section, the court shall order a  
24 person convicted of aggravated assault against a household  
25 member to participate in and complete a program of professional

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underscored material = new  
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1 counseling at his own expense."

2 Section 3. Section 30-3-14 NMSA 1978 (being Laws 1995,  
3 Chapter 221, Section 5) is amended to read:

4 "30-3-14. ASSAULT AGAINST A HOUSEHOLD MEMBER WITH INTENT  
5 TO COMMIT A VIOLENT FELONY. --

6 A. Assault against a household member with intent  
7 to commit a violent felony consists of any person assaulting a  
8 household member with intent to kill or commit any murder,  
9 mayhem, criminal sexual penetration in the first, second or  
10 third degree, robbery, kidnapping, false imprisonment or  
11 burglary.

12 B. Whoever commits assault against a household  
13 member with intent to commit a violent felony is guilty of a  
14 third degree felony. Upon a second or subsequent conviction,  
15 the offender is guilty of a second degree felony.

16 C. In addition to any punishment provided pursuant  
17 to the provisions of this section, the court shall order a  
18 person convicted of assault against a household member with  
19 intent to commit a violent felony to participate in and  
20 complete a program of professional counseling at his own  
21 expense."

22 Section 4. Section 30-3-15 NMSA 1978 (being Laws 1995,  
23 Chapter 221, Section 6, as amended) is amended to read:

24 "30-3-15. BATTERY AGAINST A HOUSEHOLD MEMBER. --

25 A. Battery against a household member consists of

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underscored material = new  
[bracketed material] = delete

1 the unlawful, intentional touching or application of force to  
2 the person of a household member, when done in a rude, insolent  
3 or angry manner.

4 B. Whoever commits battery against a household  
5 member is guilty of a misdemeanor. Upon a second or subsequent  
6 conviction, the offender is guilty of a fourth degree felony.

7 C. In addition to any punishment provided pursuant  
8 to the provisions of this section, the court shall order a  
9 person convicted of battery against a household member to  
10 participate in and complete a program of professional  
11 counseling at his own expense. "

12 Section 5. Section 30-3-16 NMSA 1978 (being Laws 1995,  
13 Chapter 221, Section 7) is amended to read:

14 "30-3-16. AGGRAVATED BATTERY AGAINST A HOUSEHOLD  
15 MEMBER. --

16 A. Aggravated battery against a household member  
17 consists of the unlawful touching or application of force to  
18 the person of a household member with intent to injure that  
19 person or another.

20 B. Whoever commits aggravated battery against a  
21 household member by inflicting an injury [~~to that person~~] that  
22 is not likely to cause death or great bodily harm, but that  
23 does cause painful temporary disfigurement or temporary loss or  
24 impairment of the functions of any member or organ of the body,  
25 is guilty of a misdemeanor. Upon a second or subsequent

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1 conviction, the offender is guilty of a fourth degree felony.

2 C. Whoever commits aggravated battery against a  
3 household member by inflicting great bodily harm or doing so  
4 with a deadly weapon or doing so in any manner whereby great  
5 bodily harm or death can be inflicted is guilty of a third  
6 degree felony. Upon a second or subsequent conviction, the  
7 offender is guilty of a second degree felony.

8 D. In addition to any punishment provided pursuant  
9 to the provisions of this section, the court shall order a  
10 person convicted of aggravated battery against a household  
11 member to participate in and complete a program of professional  
12 counseling at his own expense. "

13 Section 6. EFFECTIVE DATE. --The effective date of the  
14 provisions of this act is July 1, 2003.